

September 20, 2001

Randi Youells, Vice President for Programs  
Legal Services Corporation  
750 First St., NE 11<sup>th</sup> Floor  
Washington, DC 20002-4250

Dear Ms. Youells,

On behalf of the Board of Directors of the Tennessee Alliance for Legal Services, I am responding to Program Letter 2000-7 with the enclosed document. The Executive Committee of the Alliance has endorsed this comprehensive analysis by seven Alliance Board members who comprise the Strategic Planning Committee. This committee has taken the place of the former State Planning Group with the old Tennessee Association of Legal Services. Both the Executive Committee and the Strategic Planning Committee of the Alliance believe that the enclosed document is an accurate and fair assessment of the initial stage of implementing the Tennessee State Plan.

As you can see from the enclosed list of the members of the Strategic Planning Committee, the Alliance Board has appointed to this committee leaders from various constituencies in the state justice community. Their task has been and will be to study and recommend actions that will continue the positive progress already underway in Tennessee to create a comprehensive, integrated, and client-centered state justice community. Under the guidance of the Dean of the University of Tennessee College of Law, Thomas C. Galligan, Jr., the Strategic Planning Committee will continue to assess the impact of reconfiguration on the LSC-funded programs and their delivery of client services, the need for more unrestricted client options than the LSC-funded programs can offer, and the need for more resources for the entire Tennessee justice community.

The members of the Alliance Board of Directors realize that Legal Services Corporation has a vested interest in the success of the Tennessee model for a state justice community. We believe that we can become more complementary partners if we trust that the initiatives begun with the adoption of the Tennessee State Plan in March 2001 are allowed to mature and the new leadership that has emerged is encouraged to be bold and visionary. We look forward to moving with you beyond this first phase of planning and process development to implementation and expansion. With the energy, guidance, and vision of both the Alliance and LSC, Tennessee will continue to develop a comprehensive, integrated, client-centered state justice community.

Sincerely,

Douglas A. Blaze, Chair  
Tennessee Alliance for Legal Services

## **To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in Tennessee?**

### ***1. What are the important issues that impact upon low-income people within Tennessee? How is our state responding to these issues?***

One of the most important issues affecting low-income persons in Tennessee is the scarcity of financial resources to address current client needs and to develop strategies that meet future challenges through state planning. Tennessee planners estimate that current resources have been able to meet only about 15-20% of the civil legal needs of citizens who have or will have a legal issue within a one-year time frame. Currently, most of the legal services programs are heavily dependent upon LSC funds, especially in the less urban areas. Several factors account for this lack of resources:

- The economic base for Tennessee is heavily dependent on an agricultural and service base rather than an industrial base, thus keeping per capita income and taxes lower than in many states.
- Tennessee is one of eight states without a personal income tax, relying instead on a high state sales tax. This reliance on the sales tax means that state services are reduced or cut when economic times are lean. In the tax year 2000-2001, the State Government of Tennessee faced a revenue shortfall of approximately \$800 million. With the lack of tax reform in 2001, the coming tax years appear even bleaker. For low-income persons, this means that critical services and revenue streams are being reduced and may be cut to balance the state budget.
- Although IOLTA funds provide critical help in delivering services to low-income persons, they are not growing proportionately to the need or the population.

The Tennessee planners and legal services partners have responded to this important need for more resources with a two-fold strategy: (1) pool scarce resources to provide staff that can help develop even more resources, and (2) use our effective legislative liaisons to craft and pass creative legislation that helps fund services to low income persons.

The Tennessee planners funded a state support unit- the Tennessee Association of Legal Services (which is now the Tennessee Alliance for Legal Services)- to help pass creative legislation for much-needed revenue. Significant staff and Alliance resources were dedicated to this endeavor especially in the spring and summer of 2001. As a result, Tennessee now has four dedicated funding streams to address client needs. The latest- the bail bond bill passed in 2001- is expected to increase the amount of revenue from add-on fees. It was perhaps the most difficult because of state budget issues, but it established a new level of cooperation among legal services advocates for future projects. In fact, it was the first time that the newly established Tennessee Alliance for Legal Services played a major role in solidifying client, advocate, community, and legislative support. The Tennessee planners believe that this new revenue not only will provide more immediate client services, it will help develop even more resources through continued funding of the Alliance initiatives.

The second most important issue having an impact on low income persons in Tennessee is the growing public policy perception that programs that help low-income persons are responsible for the state budget crisis. The corollary conclusion for many who hold this perception is that low-income persons are “cheating the taxpayers” and that these programs require drastic reductions. For example, the State of Tennessee currently operates the TennCare Program, a state wide HMO that insures Medicaid beneficiaries, uninsurable persons, and persons insured through Medicare-eligible programs. Because of income, disability, or age, most of the clients that are eligible for services under LSC guidelines are insured through TennCare- about 1.5 million persons. Though the facts show that the state actually saves money by drawing federal matching dollars to run this state program covering about 30% of its citizens, the TennCare Program is under intense pressure to cut expenses which may then threaten access to health care for many low income persons. In addition to TennCare, programs for seniors who need nursing home care and for children in state custody are being reduced because of the state budget crisis.

The third most important issue affecting low-income persons in Tennessee is that voters and state policy-makers seem caught in a cycle of response/counter-response that reinforces and maintains the cycle of poverty. For instance, in education, per capita spending in Tennessee for elementary, secondary, and higher education is among the lowest in the nation, and is headed downward because of the lack of state resources. When Tennessee cannot attract new employers because of an unskilled work force, then jobs go elsewhere and the state has less money to invest in education or in the programs that lift people out of poverty. When poor persons cannot afford training or the support services necessary for a higher education, then they remain in a cycle of lower education, lower paying jobs, or unemployment and public assistance.

The response by the legal services community to the issues of poverty in Tennessee has been four-fold:

- Legal services programs have devoted significant staff legal resources and community education resources to help low income clients maintain coverage and eligibility for state programs.
- Through the Tennessee Justice Center- an unrestricted program with broad support in the legal and social justice community- attorneys have initiated litigation on behalf of clients eligible for state programs who were denied basic services or due process. Though this litigation has drawn increased opposition from some state policymakers, it has helped large groups of low-income persons maintain or gain access to health care and raised the debate over helping poor persons to a more visible level in Tennessee.
- Working through the Community Education Task Force, the Tennessee Alliance for Legal Services (TALS) has stepped up its campaign to work with partners and advocates to raise awareness about state programs that affect low-income persons. TALS plans to publish an annual summary of the positive impact of state programs and legal services initiatives that help low income persons. This summary will be available for public policy makers as

they begin their legislative deliberations during the next Tennessee General Assembly.

- The Alliance has adopted a mission statement that commits the resources of the Alliance “to identify the conditions that adversely affect low-income persons in Tennessee and implement strategies and develop resources to change those conditions.” The Alliance is committed to “effective futures” for low-income persons through new partnerships, new approaches to solving problems, and new resources to make this happen.

## ***2. What are the components of the delivery system?***

The Tennessee State Plan, approved March, 2001, identifies three components that deliver legal services through the Tennessee Alliance for Legal Services (TALS, the Alliance): Management, Organizational, and Integrative.

### Management Components

The Board of Directors of the Alliance consists of representatives from organizations and communities of concern that have a vested interest in the civil legal rights and effective futures of low-income persons in Tennessee. Formation of the new Alliance Board represents an important milestone in shifting leadership from a statewide board that is mainly comprised of directors from the LSC-funded programs to board members who reasonably reflect the diversity of the entire Tennessee civil legal services community. Meeting for the first time in February 2001, this new Alliance Board is engaged in a challenging learning curve as it seeks to fulfill its new and more comprehensive mission of leadership.

Alliance officers are Chair, Vice-Chair, Secretary, and Treasurer, and each has designated assignments according to the State Plan and Bylaws. The TALS Executive Committee communicates at least monthly to provide oversight to the TALS Board and staff, to implement Board directives, and to develop strategies and work plans to be carried out by the Alliance.

The Alliance presently has standing committees that help present options for action to the entire Board. The TALS Nominating Committee seeks out persons for the TALS Board and makes recommendations to the Board as to balanced representation and terms of service. The TALS Strategic Planning Committee gathers information and presents alternatives to the full TALS Board as to board membership, state planning policy, conflict resolution, and other issues as assigned by the Board and Chair. This committee is also the State Planning Group that relates to LSC state planning initiatives. The TALS Policy Committee provides guidance and oversight to TALS staff on legislative initiatives and public policy issues. In addition, the Alliance has the Fiscal and Personnel Committees to deal with the TALS budget and staff matters.

### Organizational Components

The Alliance consists of the following six organizational components:

- *Legal Services Partnership* – Consists of the legal services organizations in Tennessee that receive LSC funding. In January 2002, the current eight organizations will become four organizations within the state. Each Partner has a Board of Directors that sets priorities and determines regional strategies for delivering legal services to individual clients within a set geographic area.
- *Strategic Advocacy Coalition*– Identifies needs, develops strategies, forms public relations initiatives, and develops resources to deliver civil legal services for low income persons that cannot be covered under LSC restrictions. The Tennessee Justice Center is representative of organizations within this coalition. Southeast Tennessee Legal Services intends to participate as a partially restricted program in this coalition.
- *Pro Bono Cooperative* – Seeks to expand the number of pro bono hours served by private attorneys, the range and depth of pro bono representation and involvement, and the availability of pro bono representation in rural areas.
- *Partnership for Self Help* – works to develop a statewide Pro Se system that helps individuals become more self-reliant in legal matters and invokes cooperation of the courts, private bar, and legal services.
- *Inclusive Intake Initiative* – Seeks to create a statewide intake system that gives all callers or potential clients some degree of assistance either through immediate information or seamless referral. Seeks to resolve issues of “conflicts” and resource allocation to client representation.
- *Mediation Initiative* – Works to provide a timely and economical alternative for dispute resolution for low-income persons. Advocates are especially concerned with the new Tennessee State Parenting Plan and its successful implementation.

### Integrative Components

The Alliance consists of the following four integrative components:

- *Task Force Work Group* – Coordinates the state planning of the substantive task forces in order to support their individual initiatives.
- *Technology Work Group* – Provides the planning and implementation of a statewide communications system that connects clients, advocates, partners, and the general public. Uses technology to support all initiatives of the Alliance including the statewide website.
- *Resource Development Work Group* – Works to secure the financial resources to achieve the mission of the Alliance. Complements the local resource development campaigns of the legal services partners by seeking out federal and state grants and appropriations, foundation and individual support, and innovative funding initiatives.
- *Strategic Training Work Group* – Develops and implements a statewide civil legal aid training plan for legal services staff, pro bono advocates, Alliance Board members and staff, and partners in agencies and non-profits.

3. ***Has this system created mechanisms to assess its performance in relationship to commonly accepted external guides such as the ABA standards for Providers of Civil Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last undertaken?***

The Board of Directors of the Tennessee Alliance for Legal Services has not yet established performance criteria such as the ABA or LSC standards. It has met in February, May, and August of 2001 and has dealt primarily with issues of process, membership, state planning compliance, reconfiguration of the legal services programs, and establishing protocols. Because the Tennessee State Plan clearly states that the Alliance “is the body that will monitor implementation of the State Plan, including an ongoing process for assessing and evolving the State Plan for civil legal assistance in Tennessee,” it is anticipated that the Strategic Planning Committee will initiate steps to assure performance evaluations, high quality, and minimum standards following the reconfiguration of the LSC-funded programs that will occur in January, 2002.

4. ***Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients – regardless of who the clients are, where they reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief service, and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.***

The current eight legal services programs have aggressively addressed the issues of equitable access to legal services in Tennessee in the following ways:

- a. Several of the LSC-funded programs have bi-lingual staff who relate to Hispanic clients- the primary non-English speaking group in Tennessee. Each program regularly uses the services of *Language Line* for persons whose primary language can be any of 140 choices. Community educators from the Community Education Task Force have developed extensive written self-help materials both in English and Spanish that are available throughout the state in social service and state agencies and places where potential clients may gather.
- b. By the guidelines of the IOLTA program in Tennessee, each LSC-funded organization must report its work by county, thus ensuring a comprehensive outreach program both to rural and urban areas.
- c. In considering their future relationship, both Memphis Area Legal Services and West Tennessee Legal Services are addressing the issues of demographics and urban-rural access to justice.

Three current initiatives will help ensure equitable access in the coming years:

- The members of the Inclusive Intake Initiative are researching and comparing the intake systems in other states in order to design a system that will offer information and referral to all who are seeking legal assistance.
- Alliance staff are currently answering inquiries directed to the Senior Health Insurance Program hotline and staff from Southeast Tennessee Legal Services are answering inquiries directed to the Tennessee Elder Law hotline. The Alliance is working in partnership with the Tennessee Commission on Aging to develop a hotline service that combines senior issues with an information and referral hotline service for all persons seeking legal assistance.
- All written brochures and information now available in printed form will be formatted to the new statewide website, ensuring that clients and those who assist clients will have immediate access to self help materials.

**5. *How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the state? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?***

The Technology Work Group has identified minimum technology standards for each current legal services office and, over the past year, each office has met those minimum standards with the addition of new equipment and increased internet access. Additional initiatives include:

- Development of the statewide website - The Legal Aid Society of Middle Tennessee received a technology grant from LSC to enable TALS staff to work with the Community Education Task Force and other partners to build a website to connect clients, advocates, partners, and the general public. The statewide website will contain both a public side for client information and referral and a private side for advocates and pro bono attorneys. TALS is also developing its *Small Law Office Brief Bank System* into an electronic format so that advocates and pro bono attorneys can have access to the latest and most helpful Tennessee case law intended to benefit low-income persons.
- Developing new and inexpensive methods of communication – TALS has established listservs for the ten task forces, four work groups, six organizational initiatives, two grant management programs, one annual meeting group, and one technology test serve for troubleshooting. These listservs help advocates and partners more effectively address client issues in a timely manner.
- Linking reconfigured programs into a statewide network - The Technology Work Group is currently researching the effectiveness of hardware and software options that can be applied to the four reconfigured programs in 2002. They are looking at the installation and ongoing costs of models based on dedicated connections, ASP connections, and combinations of connections.

**6. *How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants, and the rural poor?***

The Tennessee legal services programs have joined with five other states to pool their resources to help start the Nashville office of the Texas Rural Legal Aid migrant farmworker legal services in the Deep South. Through the Alliance, advocates are planning for backup pro bono support, logistical support, and affordable continuing legal education for this new Nashville office. The new TRLA program will participate in the TALS Annual Meeting in October 2001 in a forum on *New Populations in Tennessee*, making advocates and partners more aware of the special needs of the migrant workers within Tennessee.

As previously noted, TALS operates an information and referral hotline that helps senior citizens become more aware of their health care choices, and STLS operates a hotline that gives brief service and advice to seniors throughout Tennessee. Both programs are cooperating to make their basic information more available through a statewide website and through cooperative and aggressive pursuit of additional funding through federal programs.

For persons with physical or mental disabilities, the legal services of Tennessee Protection and Advocacy are available across the state. Like the LSC-funded legal services programs, T P & A does not have adequate resources to meet the needs of disabled persons in Tennessee, but they are one of the referral and networking partners in the legal services community.

Memphis Area Legal Services and West Tennessee Legal Services are currently engaged in a 20-county cooperative program through an ABA grant that seeks to bring urban resources into the rural areas. Potential clients will enter the program through an intake system that will include an eligibility screen, a food stamp and housing survey and an assessment of the consumer/debtor-creditor issue. Volunteer attorneys from the Memphis area will assist pre-screened clients with appropriate service such as information, brief service, or self-help forms. An evaluation of this pilot program will help advocates determine the success of the process and the potential for duplication in other parts of the state.

**7. *What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within your state and within client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are***



***new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?***

The most significant step for expanding leadership within the Tennessee civil legal services community has been to create a new Alliance Board of Directors that draws members from a wide spectrum of interests and communities. As the Tennessee State Plan states, "Appointments shall be made to insure that the members reasonably reflect the diversity of the community served by the Alliance. Diversity will include race, ethnicity, gender, geography, and other similar factors." Chosen from the Board, the Executive Committee "is elected to represent a balance from the constituencies represented on the Board of Directors of the Alliance." As it has filled out the positions on the newly created Alliance Board, the Nominating Committee has succeeded in securing that balance. At each of the three Board meetings of the Alliance, members have discussed diversity in leadership and asked the Nominating Committee to recommend persons for At-Large positions on the Board to further that inclusive balance.

Two client members sit on the Board, one representing rural areas and one representing urban areas and the Tennessee planners have actively promoted client involvement as leaders. In fact, Tennessee sent three persons to the LSC-funded meeting in Hershey, PA, that focused on building client-centered communities. After only three Alliance Board meetings, it is clear that members feel empowered to suggest and implement changes. The board now has approximately 30 persons who are choosing their own areas of interest for committee and task force work. Beginning in the fall of 2001, the Alliance anticipates new revenue gained through legislation to carry through its initiatives in state planning and resource development. These funds will be used to pay Alliance staff and to implement needed and innovative changes.

***8. What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?***

The next steps in achieving a client-centered delivery system will be to continue to follow the guidelines of the Tennessee State Plan as it combines the strengths of statewide leadership and coordination with local determination and ownership. The Tennessee State Plan was intentionally written to provide a working and complementary balance that effectively meets client needs. Clients are actively involved in this effort both at the local level through the Boards of Directors of the eight regional programs and at the state level through the Alliance.

Currently, the eight Tennessee LSC-funded legal services programs are going through the expected difficulties of mergers and new relationships of geographic coverage. In January 2002, they will become four LSC-funded programs. The current Tennessee Justice Center will continue as a non-LSC-funded program. The Board of Directors of Southeast Tennessee Legal Services voted in the spring of 2001 to not apply for LSC funds for their service area and is establishing plans to become a non-LSC-funded

organization. The Strategic Planning Committee, hoping to avoid jeopardizing significant resources, is meeting with staff and board members from Memphis Area Legal Services and West Tennessee Legal Services to help determine the efficacy and financial consequences of the merger as outlined in the Tennessee State Plan. Much time and energy has been and will be expended on the local level to create new and responsive systems that meet individual client needs in the most effective manner and the issues of reconfiguration will bring new and difficult challenges that require staff attention. At the same time, leaders at the state level will be planning and implementing the larger initiatives such as the statewide website that will benefit clients on a greater scale through the management, organizational, and integrative components of the State Plan.

***9. What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?***

The greatest obstacle to a more integrated statewide system was the predominant view among the state leaders in legal services that the Tennessee system before 1998 was as effective and cooperative as it could be under the circumstances. For over twenty years, the eight Tennessee programs pooled resources and staff to address statewide issues and met regularly for training and strategy through the Tennessee Association of Legal Services. Many persons believed that this system was effective and efficient, meeting client needs at the local level and combining scarce resources at the state level for cooperative initiatives.

Over the past three years, more leaders outside of the legal services providers community have helped guide the entire legal services community in Tennessee in more expansive dialogues that have shown the benefits of increased cooperation and integration. As the required state planning initiatives have changed the options available for legal services leadership, more and more practicing advocates and partners have begun to see the additional benefits realized through implementing the cooperative leadership of the expanded Alliance Board. At this point, the Alliance Board is moving forward to aggressively assume the role of statewide leadership and is actively proving that local control and statewide coordination are mutually beneficial strategies. As noted in question number 8, much time will be spent in developing new relationships and expanding partnerships as new leadership continues to emerge and bring outside ideas and strategies into the legal services community.

***10. Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?***

Because the new reconfiguration of regional programs will not officially take place until January 2002, a cost-benefit analysis at this point would not be able to project the difference in a new delivery system from the current delivery system. A more helpful analysis would come annually after year 2002 to determine the effects of the

changes already in progress. Most likely, this analysis will occur as an expected consequence of the requirements for annual reporting through LSC and IOLTA and as determined by the Alliance Board of Directors.

***11. What resources, technical assistance and support would help you meet your goals?***

The most essential assistance to help Tennessee reach its goals would be financial support for the electronic integration of the legal services network. Because communication is the foundation of new initiatives in every stage from conception to implementation, the Tennessee legal services network needs the basic infrastructure to realize its positive outcomes. Currently, all eight LSC-funded programs and other legal services partners have different communications systems with varying hardware and software components and degrees of system sophistication. Although the Technology Work Group is planning an integrated communications system for clients, advocates, partners, and case management, the financial resources have not been yet identified to implement this system.

The Tennessee planners also could use the time and support from our legal services partners to reinforce both the new and energetic initiatives of the Alliance Board of Directors and the four programs that will emerge in 2002. Although advocates in Tennessee started late in answering the call to reorganize its comprehensive, integrated client-centered legal services delivery system, they are fully committed to the new goals and positive outcomes of the Tennessee State Plan. The Alliance Board of Directors is committed to this new vision and is determined that progress must be steady and measurable. However, these new goals will most likely succeed if the Board is given sufficient time to work with its legal services partners on a larger scale and on the local level to fully implement the goals of the Tennessee State Plan. Likewise, the new regional boards of the four emerging LSC-funded providers need time to resolve the very difficult issues of personnel, merging systems, local bar association issues, and financial stability. Both the Alliance Board and the regional providers are fully committed to accountability and action and are dedicated to building the best delivery system for our clients. Time will help to resolve conflicts and to maintain the high level of service to our clients that is essential for their welfare.

**To what extent have intended outcomes of a comprehensive, integrated and client-centered legal services delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?**

- 1. In terms of the issues impacting low-income persons within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?*

The Tennessee Alliance for Legal Services plans to use the strategies and methods outlined in the Tennessee State Plan. They call for simultaneous cooperation and implementation through the statewide Alliance Board and the local boards of the regional organizations. Because it is a newly formed entity, the Alliance Board is in the process of developing specific strategies that address the needs of low-income persons in Tennessee. These strategies will come not only through the Strategic planning committee, but also through all the Work Groups, Initiatives, and Task Forces listed in the Tennessee State Plan. The Alliance plans to measure its success by the following goals listed in the Tennessee State Plan:

- *Grow Alliance Resources* – Over the next five years, increase financial support for civil legal services by \$5 million to \$17 million, a 40% increase over the current \$12 million.
- *Grow the Number of Advocates for Local Civil Legal Services* – Over the next five years, double the number of advocates of the in the Legal Services Partnership from 70 to 140.
- *Grow Strategic Advocacy* – Over the next three years, double the amount of strategic advocacy. Expand from the two substantive areas of TennCare and Families first to four substantive areas and increase the FTE attorney from 3-5 to 6-10.
- *Grow and Broaden Pro Bono Participation* – Over the next three years, grow and broaden pro bono participation from 14 FTE attorneys to 35 FTE attorneys and target at least 20% of pro bono casework as “complex” casework.
- *Establish a Coherent & Effective Statewide Self Help System* – Over the next three years, develop an effective pro se partnership with 100% of the state courts.
- *Develop a Statewide Inclusive Intake System* – Over the next five years, build a fully integrated access to justice system that will effectively handle inquiries from the 200,000 low-income persons each year estimated to have civil legal needs, and do it in a way that affirms the dignity of each person.
- *Develop a Statewide Mediation System* – Over the next five years, build an alternative dispute resolution system that provides mediation as a positive, viable, and cost-effective alternative for low-income persons needing civil legal justice.
- *Identify and Act on Client “Effective Futures”* – through Task Force coordination and implementation, target at least six annual “effective futures” that seek to change the conditions adversely affecting low-income persons.

***2. Has the legal services delivery system expanded access and services through coordination with providers throughout the state?***

The eight LSC-funded providers of civil legal services in the state have cooperated for over 20 years through the Tennessee Association of Legal Services. The clearest example of that cooperation came in 1995 when they voluntarily acquiesced in giving up a portion of the state IOLTA money so that it could be set aside for a program called the Tennessee Justice Center (TJC). TJC was formed so that clients could be represented who otherwise would have no civil legal advocates because of the LSC restrictions. That cooperation continued past 1998 until the present time, as the Tennessee Justice Center has expanded access and services by growing from three attorneys to eight attorneys who represent clients in health care and welfare issues.

The nine current providers (including TJC) helped write and implement the Tennessee State Plan, a visionary document that will grow resources to further expand access and services throughout the state. This plan was accepted by the Tennessee Planning Group and the LSC Board in March 2001, and is just beginning to develop new strategies to expand access and services through coordination with providers throughout the state.

***3. Has the quality of services provided by the legal services delivery system improved? How?***

When the U.S. Congress cut spending for legal services in 1995, the eight Tennessee LSC-funded legal services programs responded with aggressive initiatives to ensure that adequate and high quality representation remain available to low-income persons in every county in Tennessee. For example, Knoxville Legal Aid Society expanded its funding sources from 4 in 1994 to over 30 in 2000, and the other seven LSC-funded programs had similar success in diversifying their funding sources and maintaining their quality of services. At the same time, the eight providers worked through their Tennessee Association of Legal Services to raise over \$3.5 million through legislative initiatives for civil legal services. Many of these resources were dedicated to extensive community education and intervention programs by using innovative grants, cooperative agreements, and matching funds. As clearly outlined in the goals of the Tennessee State Plan, the Alliance will aggressively continue to seek ways to raise additional funds.

However, just as the number of cases closed does not necessarily mean higher quality representation or administration, having more financial resources also does not necessarily mean higher quality services. More resources can give the flexibility to administrators to reinforce higher quality work by rewarding that work and attracting higher quality staff with higher pay and better benefits, and that has been possible with the increased funds in Tennessee. Individual staff are measured by annual performance reviews, but no mechanism has been developed to measure the overall quality of the legal services delivered by any one person or program in relation to a statewide or national standard. Additionally, no statewide system of quality reinforcement or “quality control” has been developed that adequately measures quality based on a mutually agreeable base point with clear measurements. Since the Tennessee State Plan insists that high quality

representation is the goal of the Alliance and its members, the leaders of the Alliance will be instrumental in implementing a system that uses national standards for quality.

- 4. Since 1998, has there been improvement in the relative equity of client access throughout the state for all low-income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/national origin, or the existence of other access barriers? How is this equity achieved?***

The eight LSC-funded programs in Tennessee, the Tennessee Justice Center, and the Volunteer Attorney Task Force have worked cooperatively before and after 1998 to ensure that clients in who live in different parts of the state or who speak different languages or who may have other access barriers have been able to find high quality civil legal services. The Tennessee IOLTA program and the Administrative Office of the Courts require that annual reports from the recipients of funds list the activity of each legal services program in each county in Tennessee, thus highlighting the balance or imbalance of available services so that programs make take action to ensure equity. In addition, the LSC-funded programs have used *Language Line* services to communicate with persons whose native language may not be English but perhaps one of over 140 choices.

It would be difficult to demonstrate improvement in accessibility and equity since 1998 for two reasons. First, no tools for baseline measurement were available in 1998 that would give a clear indication of the criteria for establishing improvements in equity or accessibility. Second, the Tennessee State Plan, the major factor of intervention to increase both equity and accessibility, has just begun to have an impact on the quantity and availability of services since its implementation in March 2001. Through criteria established by the Strategic Planning Committee, the Alliance plans to measure the quantitative and qualitative results of all of its initiatives.

- 5. Since 1998, has there been improvement in the relative equity in terms of availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?***

As previously stated, the eight LSC-funded legal services programs in Tennessee agreed to acquiesce a portion of their request for Tennessee IOLTA money in order to start the Tennessee Justice Center. TJC was founded to provide legal services restricted under the LSC guidelines and has vigorously pursued the health care and welfare rights of Tennessee citizens. TJC has grown from a small office of two attorneys to eight attorneys and their support staff, resulting in a budget of over \$700,000 for this fiscal year. Originally, TJC contracted with attorneys in various locations in Tennessee for

representation of clients. However, that arrangement proved administratively difficult because of the centralization of litigation against the State of Tennessee in the Nashville area. Casework developed primarily around health-care appeals and process with TennCare, treatment of juveniles in the custody of the State Department of Children's Services, and issues of process and inclusion under the Families First welfare legislation. Now, clients are referred to TJC from all over Tennessee and the central office manages each case through the courts in Nashville. In addition, because TJC lobbies and testifies before the Tennessee General Assembly, location in the capitol of Nashville is critical for the most efficient and effective use of non-restricted funds.

The Tennessee legal services community fully supports raising additional funds to extend the full range of civil legal equal justice capacities in the state. Priorities were set by the Tennessee Justice Center Board of Directors to pursue litigation in the three areas mentioned above because it had the greatest impact on the greatest numbers of low-income persons in Tennessee. For example, TennCare, the state-managed HMO system that covers Medicaid-eligible, uninsurable, and low-income persons, covers about 1.5 million low-income citizens in Tennessee. Litigation on behalf of any one client has a tremendous impact on many other persons with the same civil legal problems, and the TJC Board and the Tennessee planners have made such representation a priority.

The Tennessee planners recognize the need for a full range of civil legal services for low-income persons covering other issues such as immigration and predatory lending. Currently, the eight LSC-funded legal services providers refer cases to their pro bono partners to provide representation for clients in every county of the state on all facets of restricted work. In addition, Southeast Tennessee Legal Services has declared its intention to pursue unrestricted representation of low-income persons after December 2001.

Currently, the only way to measure if resources are distributed disproportionately to any one part of Tennessee is through the "dollars spent per poor person" in each program or region. This number is not a totally accurate and objective statistical measure of equity, for factors such as pass-through funds may inflate a program's bottom line. However, it does show that some resources such as local bar support or urban grant programs are not available in some areas of the state. In Tennessee, pro bono resources are available in all areas of the state through the eight LSC-funded programs and have been coordinated very effectively through the Volunteer Attorney Task Force. However, as in every state and in Tennessee particularly, one can claim that there is an overall lack of sufficient resources in every part of the state to adequately address all the civil legal needs of low-income persons. To help resolve that problem, the Tennessee Alliance for Legal Services has established two major goals of the Tennessee State Plan to expand all pro bono representation and employ a statewide Development Director.

***6. Does this legal services delivery system operate efficiently? Are there areas of duplication?***

Because of the existing structures of cooperation and designated boundaries in place in Tennessee, there seems to be little evidence of duplication. Many persons in the legal services community would welcome the available resources that might have been spent on running duplicate programs or initiatives, but the scarcity of resources has resulted in a number of organizations who cannot even adequately cover the needs for representation in their own area of expertise or grants designation, much less venture into another organization's area of coverage. Both physical and substantive law boundaries have been designated and agreed upon by the leaders of the legal services community for many years, and cooperative referrals and strategic planning relationships are commonplace.

A good example of this efficient network is in the delivery of services- both social services and civil legal services- to elderly persons in Tennessee. All but one of the Title III offices is associated within an LSC-funded program, and staff in that office has traditionally met with other advocates at the TALS Annual Meeting for training and task force work. TALS staff manage the Senior Health Insurance Program, delivering training and coordination to the eight LSC-funded programs and other advocates to help seniors understand their health care choices; TALS staff also manage a Medicare Hotline that offers information and referral to legal services programs or other social services agencies and gives referrals to other social services agencies. At the same time, Southeast Tennessee Legal Services manages the Elder Care Hotline that gives legal advice beyond health care choices and makes referrals to other legal services offices. Plans are underway to perhaps combine those two hotlines into one without losing the expertise of either. All the LSC-funded programs reach out to the Area Agencies on Aging, making their offices and staff available for seniors who meet financial criteria who may have civil legal problems. In this "seniors network," some small duplications may exist. However, the historic patterns of cooperation most often indicate that organizations and individuals are spending their resources efficiently.

As a part of its charge, the Strategic Planning Committee of the Tennessee Alliance for Legal Services will be monitoring the efficiency of the statewide network for the delivery of civil legal services to low-income persons. As the Tennessee State Plan begins to generate more statewide initiatives, the Alliance plans to implement a more sophisticated communications system and, as a direct result, efficiencies will increase through the use of technology. Not only will staff become more efficient through training and the increased use of electronic communications, partners in the general legal services network will experience greater access to electronic data- through sources such as the statewide website- that helps all clients.



**7. *Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low-income people***

The Tennessee system has expanded the way it involves private lawyers in the delivery of services to low-income persons through a number of statewide initiatives. About 8 years ago, under the auspices of the Tennessee Bar Association (TBA) and with the input from the Chattanooga, Memphis, Nashville and Knoxville Bar Associations, the TBA Pro Bono Committee was created. The Committee consisted of representatives from those bar associations, some pro bono attorneys, pro bono coordinators, and judges who felt the need to create a statewide Committee to look at organized pro bono programs and find ways to promote those programs and encourage participation in them.

The Committee is still in existence today having evolved into the Access to Justice Committee of the Tennessee Bar Association and instituted several initiatives considered to be traditions within the state of Tennessee. Every year the Committee selects an issue of concern to the low-income community, such as domestic violence, and works with the pro bono projects across the state to encourage pro bono participation in that issue through statewide training programs and the newsletter. The Committee also identifies partners who work on that same issue as resource persons to promote the training programs, sponsor the programs regionally, provide region publicity, locate regional speakers, and identify clients. Again, using domestic violence as an example, in 2000 the Committee partnered with the Tennessee Task Force Against Domestic Violence to create a training manual for attorneys who attended CLE programs across the state. With the help of the Tennessee Task Force, local domestic violence shelters and the pro bono programs in the guise of the Volunteer Attorney Task Force, the Access to Justice Committee was able to train attorneys in Nashville, Jackson, Knoxville, Johnson City, Chattanooga and Tullahoma. The attorneys were provided with a comprehensive manual on handling domestic violence cases modeled on the Tennessee Domestic Abuse BenchBook used to train Judges in Tennessee.

In the same year, two newsletters (the newsletter is called *The Brief*) were produced dealing with the issues of domestic violence and special education. As is the case in every year since the Committee's inception, the newsletter articles are written by pro bono coordinators, private attorneys, legal services attorneys, bar leaders, and other stakeholders in the civil legal justice community. The newsletter is styled as "The Newsletter for Tennessee's Pro Bono Community" and is sent once to the entire bar in the state of Tennessee and once to the membership of the TBA. Additional copies of the newsletter are provided to the Pro Bono Projects to reproduce or disseminate within their region. The Access to Justice Committee prides itself on the two newsletters they produce annually that address statewide concerns of the civil legal assistance providers and their partners.

Other projects the Access to Justice Committee works on include the annual TBA Pro Bono attorney and law student of the year awards which are publicized through *The Brief* and through the monthly publication of the TBA, the TBA Bar Journal. These awards are

presented annually by a Supreme Court Justice at the TBA Mid-Winter Conference. Nominees are selected by a subcommittee of the Access to Justice Committee based on nominations sent to them by bar associations, pro bono projects and individual attorneys.

Finally, the Access to Justice Committee works on many other issues of concern to the civil legal justice community including the provision of letters of support for pilot projects across the state, sending out PSA's across the state to promote pro bono, using the Pro Bono Projects to recruit volunteers to update the TBA website public information access section called LawBytes, and working with the Tennessee Commission on Continuing Legal Education to create a vehicle for awarding Ethics and Professionalism credits to attorneys who handle pro bono cases as well as fundraising and legislative issues.

Currently, every LSC-funded program in Tennessee works with a pro bono program or with pro bono attorneys in their service area. Many of these attorneys volunteer through their local bar association in the cities of Memphis, Nashville, Knoxville, and Chattanooga. Clinics at the law schools of the University of Memphis, Vanderbilt University, and the University of Tennessee provide another resource to low-income clients. Most of the law schools also have active pro bono organizations. In addition and especially in rural areas, many attorneys contribute pro bono hours because they are asked by legal services staff based on long-time and helpful personal relationships.

For many years, through the work of what is now known as the Tennessee Alliance for Legal Services, the pro bono coordinators across the state have had a separate task force that works with the TBA Access to Justice committee to promote and expand pro bono participation in Tennessee. The coordinators meet quarterly to discuss new developments and recruitment ideas, to work on the TBA training events, to provide technical assistance to each other, identify new issues and develop articles for the statewide newsletter. Every year, the coordinators meet prior to the ABA Equal Justice Conference to plan a strategy to attend as many sessions as possible and then meet afterwards to share new ideas and insights gained. The task force has its own listserv originally created out of the West Tennessee Legal Services internet access and the members use the list to communicate about pro bono issues, identify attorneys outside their region to work on cases or provide mentoring or training to local attorneys, and share other information.

Some of the work of recruiting and training is shared among regions. For example, the coordinators in the West Tennessee area have created an Urban/Rural Initiative using ABA grant funds to recruit and train attorneys at a law firm in Memphis to provide advice and counsel and brief services to low-income clients in the rural West Tennessee area using a hotline model. The regions share training resources by recruiting speakers from the urban areas to serve as presenters at rural Continuing Legal Education seminars. And with the assistance of the law schools in the regions, coordinators have been able to identify urban lawyers with rural roots or connections to provide direct representation to rural clients.

Through the use of committees and task forces, by creating a statewide community of partners and individuals interested in pro bono programs as well as training events, statewide newsletters and recognition events, the civil legal services delivery system continues to expand not only the participation of individual attorneys in the delivery of legal assistance to low-income persons but also to form this statewide community of partners to be involved at every level. The Pro Bono Community through the TBA Access to Justice Committee and the Volunteer Attorney Task Force seeks to constantly recruit, train, mentor, identify and recognize the contributions of individual lawyers, law firms, students, bar associations, other civil legal assistance stakeholders as well as the Pro Bono Projects in the overall delivery of services process. Through this system, Tennessee has been able to develop a more effective and efficient way of using the private bar to deliver services both in direct service delivery and in variety of services.

## **Are the best organizational and human resource management configurations and approaches being used?**

- 1. For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low income clients – ie., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?*

Currently, Tennessee has eight LSC-funded programs that deliver services to low-income clients based on the percentage of poverty population within their geographic area. The programs cover regional areas by county and do not overlap in terms of basic client representation. Three programs are in east Tennessee, three are in middle Tennessee, and two are in west Tennessee. Each program has its own Board of Directors that sets policy and priorities with its geographic area within the guidelines set forth by the Legal Services Corporation and as a non-profit organization.

The eight programs have a large number of funding sources other than the Legal Services Corporation. Of the approximately \$12 million devoted to legal services in Tennessee, about half comes from LSC. All eight programs receive revenue from the State of Tennessee “civil legal indigent defense fund” that was established by statute in 1995 by the Tennessee General Assembly. About \$1.7 million per year is raised from filing fee and speeding and parking ticket add-ons and is divided by percent of poverty population represented by each of the eight programs. In 2002, another add-on fee from bail bonds should add about \$1.6 million more to the “civil legal indigent defense fund.” The eight programs also share \$766,800 in IOLTA funding and manage grants from VAWA, VOCA, Title III, and the Senior Health Insurance Program. The eight programs also are the recipients of many private donations such as United Way campaigns, local bar initiatives, and individual gifts. The eight programs receive many smaller grants from private, state, and federal sources, sometimes totaling over 30 diverse sources of income at one time for each program.

Tennessee also has a number of non-LSC funded organizations that deliver legal aid to low-income persons. Perhaps the most visible is the Tennessee Justice Center, established in 1995 to represent clients who are otherwise restricted from representation by LSC regulations. The Tennessee Justice Center (TJC) is a statewide organization with its own Board of Directors that determines its mission and priorities. Currently, TJC primarily represents clients with legal issues of health care or welfare. It has pursued client’s interests in interactions with State of Tennessee organizations such as TennCare (the state-managed HMO for low-income persons), the Tennessee Department of Children’s Services, and the Families First Program (the State of Tennessee welfare program). TJC receives funding through IOLTA (currently \$160,000), foundation grants, private donations, and court settlements.

Other non-LSC funded organizations within Tennessee include The University of Memphis Legal Clinic, the University of Tennessee College of Law Clinic, and the

Vanderbilt University Legal Clinic. Each delivers services based on the mission, funding, and priorities of their host institutions. Tennessee Protection and Advocacy (TP&A) also delivers services to low-income persons statewide, serving primarily persons with disabilities who qualify under the guidelines of the federal grants for their organization.

***2. Since October 1998, what other configurations and/or approaches have been explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?***

In developing the Tennessee State Plan, the Tennessee planners discussed many options, from remaining eight programs to consolidating into one program. However, it was the consensus of the planners that one of the most important elements for the future health of legal services in Tennessee was the need to empower local and regional leaders in the decision-making process for statewide initiatives and local client representation. For most of the planners, this meant that if Boards of Directors of LSC-funded programs were to be asked for financial and pro bono support, they should have a voice in setting complementary priorities and policies. In fact, the Tennessee State Plan was written intentionally to articulate this balance of statewide and local authority and accountability.

Although no other configurations were officially adopted or rejected other than those articulated in the Tennessee State Plan, several planners proposed alternatives. The Executive Director of Legal Services of South Central Tennessee (LSSCT) proposed a merger of LSSCT with the three programs in east Tennessee. This proposal was not officially adopted or rejected by the Boards of Directors of the three programs in east Tennessee. The Executive Director of Southeast Tennessee Legal Services (STLS) proposed two statewide programs for Tennessee: one program would deliver “restricted” legal services and one would deliver “unrestricted” legal services. This proposal was not officially adopted or rejected by the Tennessee planners. The only official vote on configuration was taken in February 2001 to adopt pursue configuration as stated in the Tennessee State Plan. This vote occurred before the establishment of the current Alliance Board of Directors or the establishment of the Strategic Planning Committee- the successor to the previous Tennessee State Planning Group.

No changes in configuration other than those outlined in the Tennessee State Plan are contemplated in the coming year. Most programs will be involved in merging and creating new communications systems, new personnel policies and reporting relationships, new client-responsive mechanisms, and new financial systems in order to follow the guidelines of the Tennessee State Plan. To help address new issues in configuration and state planning that may arise, the Board of Directors of the Tennessee Alliance for Legal Services voted to establish a Strategic Planning Committee to replace the previous State Planning Group established by the Tennessee Association of Legal Services. Led by the Dean of the University of Tennessee College of Law, Thomas C. Galligan, Jr., this seven-member Strategic Planning Committee has the task of reviewing all elements of state planning in order to deliver consistent, high quality legal services to low income persons in Tennessee. In the fall of 2001, the Strategic Planning Committee will be meeting with staff and board members from Memphis Area Legal Services and

West Tennessee Legal Services to explore the consequences of the planned merger of those two organizations. As the LSC-funded programs officially merge and reconfigure their boundaries of service on January 1, 2002, the Strategic Planning Committee will seek to gain information and outline choices for the larger Alliance Board in order to resolve any conflicts and problems that may arise from reconfiguration.

***3. Is there any identifiable duplication in services in the state? How many duplicative systems – accounting systems, human resources management systems, case management systems, etc. – currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?***

Tennessee has never had the luxury of too many programs or organizations competing to serve the same pool of clients. In fact, because of the lack of financial resources in Tennessee, advocates and administrators have cooperated for over 20 years to try and deliver the best legal services for the money available. The eight LSC-funded programs have cooperated through the Tennessee Association of Legal Services to provide regular staff training and interaction among the attorneys, paralegals, intake personnel, support staff, administrators, and financial officers representing each program. This close cooperation has led to a sharing of ideas, strategies, and innovations that have worked for each of the programs to keep their overhead low and the performance of their accounting and human resource systems as high as possible with limited staff.

While diligently seeking to avoid duplication, each of the eight LSC-funded programs has explored new cost-effective ways within their service area to handle and communicate data, build effective grant management/accounting systems, and implement successful fund-raising initiatives. Because the service delivery system will not officially change until January 2002, it is too early to project reliable data on cost savings based on the reconfiguration of the LSC-funded programs into larger entities. Some economies of scale may develop, but so far no models have emerged that project increased cost savings where few duplications existed prior to reconfiguration.

The four emerging regional programs will continue to seek to increase the productivity of each employee and each office through training, use of more sophisticated means of electronic communications, and statewide initiatives that foster cooperation and new ways of problem-solving. At the same time, they will seek to maintain the face-to-face interactions with clients, staff, and the general public that are vital to real understanding, morale, long-term commitment, and community support. This balance is reflected in the Tennessee State Plan and the goals of the Alliance to continue to seek out the most effective means of delivering the highest quality, most cost-effective civil legal services to low-income persons in Tennessee.

***4. Since October 1998, what innovative service delivery systems, mechanisms, or initiatives have been adopted in Tennessee? Have any been explored and then rejected?***

The most innovative initiative adopted in Tennessee since 1998 is the Tennessee State Plan for Civil Legal Justice. It was adopted in March 2000, after over two years of extensive discussions among representatives from the LSC-funded programs, the non-LSC funded programs, and the private bar. In the course of its development, the Tennessee planners sought out the counsel of consultants from IOLTA Information Services to create a comprehensive and visionary state plan. It was modified from its original version of eighty-two pages to twenty pages, emphasizing accountability in the delivery of high quality legal services, developing new partners and new resources for civil legal aid, cooperation in statewide initiatives, and the use of new systems of communication. The process of getting agreement on the Tennessee State Plan was long and difficult, and required many hours of staff time, complicated negotiations with funders, and the support and insight of the entire legal services community in Tennessee. This process absorbed most of the available creative and innovative time and resources of the state planners.

The Tennessee State Plan is a significantly innovative document for legal services in Tennessee. It not only calls for the delivery of the best available civil legal aid to low-income persons in the state, it calls for implementing strategies and developing resources that change the conditions that adversely affect low-income persons. The Tennessee State Plan is beginning to work through the vision and energy of the Board of Directors and supporters of the Tennessee Alliance for Legal Services. More and more innovations will come in the next years as it is fully implemented and its visionary goals are realized.